

PROPOSED:
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HIGHER EDUCATION
COMMISSION ON HIGHER EDUCATION
Community College Personnel Regulations

Proposed Readoption: N.J.A.C. 9A:7

Authorized By: Commission on Higher Education, Francis J. Mertz, Chair.

Authority: N.J.S.A. 18A:3B-15.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-208

Submit written comments by September 1, 2006 to:

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The agency proposal follows:

Summary

The Commission on Higher Education is responsible for rules governing certain community college personnel matters. Executive Order No. 66 (1978), the State's "sunset" provision, requires periodic review of rules to determine continued need and desirable changes. The rule chapter (N.J.A.C. 9A:7) was last reviewed, in consultation with the community college sector, and readopted with amendments in 2001. The current rules expire on December 19, 2006, pursuant to N.J.S.A. 52:14B-5.1c, and the required "sunset" review was conducted. Commission staff studied the regulatory language, consulted with the executive director of the New Jersey Council of County Colleges, and confirmed that the current rules continue to serve their intended purpose. The Commission, therefore, proposes readoption of N.J.A.C. 9A:7 without change. A summary of the rules' four subchapters follows.

Subchapter 1 sets forth a general rule regarding personnel appointments.

Subchapter 2 outlines required procedures in the event of a reduction in force.

Subchapter 3 requires or recommends various elements of a college's tenure policies.

Subchapter 4 concerns matters related to academic rank for professional employees.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Commission's rules regarding community college personnel set forth minimal requirements on personnel appointments, reduction in force and tenure policies, and academic rank for nonfaculty professional staff, providing broad protections for the affected personnel.

Economic Impact

The rules proposed for readoption have an indirect economic impact, because colleges may incur costs (for salaries, materials, equipment, etc.) in meeting the minimal requirements set forth therein. The regulation of such matters as reemployment lists for a reduction in force will help ensure that the fiscal impact of a layoff does not fall unfairly on affected personnel.

Federal Standards Statement

The rules proposed for readoption are not subject to a Federal standards analysis under Executive Order No. 27 (1994)/N.J.S.A. 52:14B-2.3 because the Commission on Higher Education's regulation of community college personnel matters is not subject to any Federal requirements or standards. The rules pertain strictly to the 19 county community colleges in New Jersey.

Jobs Impact

The rules proposed for readoption will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for readoption will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption do not impose requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules pertain strictly to the 19 county community colleges in New Jersey, none of which qualify as a small business because each is a public entity.

Smart Growth Impact

The rules proposed for readoption will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:7. For copies, contact the New Jersey Office of Administrative Law or the Commission's Administrative Practice Officer, Dr. Jeanne Oswald.